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SENATE BILL 2310

By Cooper

AN ACT to amend Tennessee Code Annotated, Section 68-11-108 and Section 68-11-122, relative to certificates of need for nursing home beds.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-11-108, is amended by deleting the last sentence of subsection (b) and by substituting instead the following:

Notwithstanding any other provisions of this subsection, this subsection shall only apply to applications for new nursing home beds from the one hundred twenty-five (125) bed Medicare skilled nursing facility bed pool authorized in Section 68-11-122. All other applications for new nursing home beds shall be governed solely by the provisions of Section 68-11-121. During the period of July 1, 2000 to June 30, 2001, the commission shall issue no certificates of need for new nursing home beds other than the one hundred twenty-five (125) Medicare SNF beds authorized in Section 68-11-122.

SECTION 2. Tennessee Code Annotated, Section 68-11-122, is amended by deleting the section in its entirety and by substituting instead the following:

Section 68-11-122.

(a) During the fiscal year of July 1, 2000 to June 30, 2001 the commission shall issue no certificates of need for new nursing home beds, including the conversion of hospital beds to nursing home beds, other than one hundred twenty-five (125) beds to be certified as Medicare skilled nursing facility (SNF) beds as authorized in this section. During such time the provisions of Section 68-11-106 (b), permitting expansion of existing licensed nursing homes by the lesser of ten (10) beds or ten percent (10%), shall not apply.

(b) The number of Medicare SNF beds issued under this subsection shall not exceed thirty (30) for each applicant. The applicant shall specify in the application the skilled services to be provided and how the applicant intends to provide such skilled services. In reviewing applications the commission shall consider the application without regard as to whether the applicant currently has Medicare SNF beds. Applications for Medicare SNF beds under this subsection shall be reviewed by the department and considered by the commission pursuant to Section 68-11-108, rather than Section 68-11-121. If the pool of one hundred twenty-five (125) Medicare SNF beds created by this subsection is not depleted prior to the deadline established herein, the beds remaining in such pool shall be considered to be available to applicants who apply before the deadline even though review may occur after the deadline.

(c) Any applicant who filed prior to the effective date of this act and whose application is not considered due to the provisions of this section shall be entitled to a refund of the application fee.

SECTION 3. This act shall take effect July 1, 2000, the public welfare requiring it.